

Court of Appeals, State of Michigan

ORDER

People of MI v Chanchez Dezaray Stewart

Docket No. 300476

LC No. 10-003925-01-FC

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Deborah A. Servitto
Judges

The Court orders that defendant-appellant's pro se motion for reconsideration of this Court's January 10, 2012, opinion, is HELD IN ABEYANCE.

On the Court's own motion, this matter is REMANDED to the presiding judge of the Criminal Division of Wayne Circuit Court for appointment of counsel to represent defendant-appellant. Within 21 days of the order of appointment, counsel shall file a motion for new trial and evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436; 212 NW2d 922 (1973) addressing the issues of ineffective assistance of counsel as raised in the motion for reconsideration. Counsel may obtain a copy of the motion for reconsideration from the Clerk of this Court.

The presiding judge, or his designee, shall conduct an evidentiary hearing and render a decision whether defendant-appellant was denied the effective assistance of trial or appellate counsel. The trial court is to hear and decide the matter within 56 days of the filing of the motion. The court shall make findings of fact and a determination on the record, and shall cause a transcript of all hearings on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant-appellant shall file a copy of the motion for new trial and evidentiary hearing with this Court. Defendant-appellant shall also file with this Court copies of all orders entered on remand within 14 days after entry.

This Court retains jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 28 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk